



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,108	07/27/2001	Robert Pollack	2001KP238PA	1876

7590 11/23/2004
KENNETH F. PEARCE
ATTORNEY AT LAW
631 DENMARK DRIVE
DANVILLE, KY 40422-2419

EXAMINER

REID, CHERYL M

ART UNIT PAPER NUMBER

2142

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,108

Applicant(s)

POLLACK, ROBERT

Examiner

Cheryl M. Reid

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☒ Claim(s) 16, 20 and 22 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

Claim Objections

1. Claims 16 and 20 are objected to because of the following informalities: Claims 16 and 20 contain index m twice. The second m of both claims should be replaced with n. Appropriate correction is required.
2. Claim 22 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim, or amend the claim to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. 16.

Claim Rejections - 35 USC § 103

3. Claims 1,2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin and further in view of Kelly .

Claims 1

- Hamlin teaches of a) generating a digital template (Fig 2B and 3) for said server(Fig 2A, item 254), wherein said server further includes a database (Fig 2,

- item 256) for categorizing, aggregating and classifying said data (Col 6, lines 12-14, Col 5, lines 47- 49);
- b) controlling intercommunication between said digital template....(Col 6, lines 21-22, Col 9 line 28). Although Hamlin did not explicitly teach that intercommunication was controlled via a computer program between.....this is implicitly implied by teaching that storage unit stores survey results.;
 - c) prohibiting unauthorized use of said server (Col 13, lines 28-30, Fig 2, item 254), User is not authorized to take survey, which is located on server.
 - d) authorizing use of said server by an authorized user (Col 12, lines 51-55)
 - e) interlinking said remote interface (fig 2, item 280) with said server.....(Col 6, lines 39-41, 52-53)
 - f) displaying said digital template for use (Col 6, lines 39-41, Fig 2B)
 - g) propounding a stimulus from said digital template (Fig 3, Col 7, lines 1-5, 20-24)
 - h) categorizing and aggregating continuously, in real time (Col 5, lines 47-49, Col 10, lines 25-26)
 - i) classifying and sub-classifying continuously, pursuant to an.....(Col 5, lines 47-49, Col 10 lines 20-23)
 - k) governing format of said digital template (Fig 3)

Hamlin is silent in regards to time-stamping and date-stamping said authorized response. Kelly teaches in this regard (Paragraph [0050], lines 1-3). Hamlin's invention is related to providing an improved and efficient survey mechanism for

businesses (Col 2, lines 44-48). Kelly's invention relates to providing companies with feedback from clients regarding their products and services (Paragraph [0002], lines 1-2). Adding the above mention feature to Hamlin's invention would allow the businesses to know if the data is relevant with respect to time (i.e. focus on the data that is closest to the period or time that they are trying to obtain info about customer behavior). It is for this reason that one of ordinary skill at the time of invention would be motivated to make the above mentioned modifications.

Claim 9

Claim 9 includes all the limitations of Claim 1.

- Hamlin teaches of reporting real time data to(Col 10, lines 24-29)

Claim 9 further teaches of generating a plurality of digital templates. Hamlin teaches of generating a template (Fig 3) but fails to teach that more than one template can be generated. It would be obvious to one of ordinary skill in the art to modify Hamlin's invention so that a plurality of digital templates are generated. Hamlin's invention is a business method of allowing clients to conduct surveys and obtain results (Col 2, lines 44-48). Generating a plurality of digital templates would allow a plurality of clients to create surveys thus resulting in increased profits for Hamlin. It is for this reason that one of ordinary skill in the art at the time of invention would be motivated to make the above mentioned modification.

Claim 2

- Hamlin teaches of the step of reporting said categorized, aggregated....(Col 5 lines 47-49)

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin and Kelley as applied to claim 2 above, and further in view of Chen.

Claim 3

- Hamlin is silent in regards to cross-tabbing said data. Chen teaches that data is cross-tabbed (Fig 2 and 4). Hamlin's invention relates to providing businesses with information relating to the behaviors and opinions of the market place (Col 1, lines 2-4). Chen's invention relates to profiling customer's behavior (Paragraph [0002], lines 1-2). Adding the above mention features to Hamlin's invention would give a more complete understanding of customers' behavior. It is for this reason that one of ordinary skill in the art at the time of invention would be motivated to make the above mentioned modification.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin and Kelley and Chan as applied to claims 1-3 above, further in view of Busche.

Claim 4

- Both Hamlin, Kelley, and Chen are silent in regards to searching said database according to a pre-selected paradigm. Busche teaches on this aspect

(Paragraph [0006], lines 1-2, Paragraph [0023] , lines 3-4). Hamlin's invention relates to providing businesses with information relating to the behaviors and opinions of the market place (Col 1, lines 2-4). Chen's invention relates to profiling customer's behavior (Paragraph [0002], lines 1-2). Busche's invention relates to providing businesses with a better understanding of their customers (Paragraph [0007] , lines 1-4). Adding the above mentioned feature to Hamlin's invention would allow Hamlin to focus on specific aspects of the data collected, further reducing the time it takes to analyze the collected data. It is for this reason that one of ordinary skill in the art at the time of invention would be motivated to make the above mentioned modification.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin, Kelley, Chen, Busche as applied to claims 4 above, and further in view of Guler.

Claim 5

- Hamlin, Kelley, Chen, and Busche are all silent in regards to the step of generating weighted averages. Guler teaches on this aspect (Paragraph [0129], lines 3-5). One of ordinary skill in the art would be motivated to make above modification to Hamlin's invention for the same reasons discussed in claim 11.

7. Claim 6, 7, 8, 10, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin, Kelley, Chen, Busche, Guler as applied to claims 5 above, and further in view of Bourne.

Claim 6

- Hamlin, Kelley, Chen, Busche and Guler are all silent in regards to the step of insuring said stimulus is not retained at said remote interface. Bourne teaches on this aspect (Col 15, lines 5-9, 1-3). Both Hamlin and Bourne inventions relate to facilitating communication between different entities. Adding the above mentioned feature to Hamlin would be an overall improvement because it would allow the client (Hamlin, Fig 2 Item 280) to use less memory space and also improve client system handling of dynamic content.

Claim 7

- Hamlin teaches of said authorized user purchasing.....(Col 6, lines 61-62).

Claim 8

- Hamlin teaches of originating a report.....(Col 10, lines 20-24)

Claim 10

- Hamlin, Kelley, Busche, Guler and Bourne are silent in regards to cross-tabbing said data. Chen teaches that data is cross-tabbed (Fig 2 and 4). Hamlin's invention relates to providing businesses with information relating to the

behaviors and opinions of the market place (Col 1, lines 2-4). Chen's invention relates to profiling customer's behavior (Paragraph [0002], lines 1-2). Adding the above mentioned features to Hamlin's invention would give a more complete understanding of customers' behavior. It is for this reason that one of ordinary skill in the art at the time of invention would be motivated to make the above mentioned modification into the invention as taught by Hamlin, Busche, Chen, Guler, and Borne.

Claim 12

- Hamlin, Kelley, Busche, Guler and Bourne are silent in regards to categorizing and classifying said authorized response into at least two sub-classifications. Chen teaches on this aspect (Paragraph [0025], lines 1-4). One of ordinary skill in the art at the time of invention would be motivated to make the above mentioned modification for the same reasons discussed in Claim 10.

Claim 14

- Hamlin, Kelley, Chen, Busche and Guler are all silent in regards to the step of insuring said stimulus is not retained at said remote interface. Bourne teaches on this aspect (Col 15, lines 5-9, 1-3). Both Hamlin and Bourne inventions relate to facilitating communication between different entities. Adding the above mentioned feature to Hamlin would be an overall improvement because it would allow the client (Hamlin, Fig 2 Item 280) to use less memory space and also

improve client system handling of dynamic content. It is for this reason that one of ordinary skill in the art at the time of invention would be motivated to make the above mentioned modification into the invention as taught by Hamlin, Busche, Chen, Guler, and Bourne.

8. Claims 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin and Kelley as applied to claim 9 above, and further in view of Guler.

Claim 11

Hamlin is silent in regards to teaching about the step of generating weighted averages. Guler teaches on this aspect (Paragraph [0129], lines 3-5). Hamlin's invention relates to helping businesses make more informed and accurate decisions (Col 2, lines 44-48). Guler's invention relates to helping businesses make decisions that will maximize the outcome in their favor (Paragraph [0005], lines 1-2, Paragraph [0010], lines 2-4). Adding the above mentioned feature to Hamlin's invention would improve Hamlin's invention because it give an overview or average of specific variables, allowing businesses to asset or weight the importance of specific variables. It is for this reason that one of ordinary skill in the art at the time of invention would be motivated to make the above mentioned modification.

Art Unit: 2142

9. Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin, Kelley, and Guler as applied to claim 11 above, and further in view of Busche.

Claim 13

- Hamlin, Kelley, and Guler are silent in regards to searching said database according to a pre-selected paradigm. Busche teaches on this aspect (Paragraph [0006] , lines 1-2, Paragraph [0023] , lines 3-4). One of ordinary skill in the art at the time of invention would be motivated to make the above mentioned modification for the same reasons discussed in claim 4.

Claim 15

- Hamlin teaches about of originating a report customized.....(Col 10, lines 20-23).

10. Claims 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin, Kelley, Guler, Busche as applied to claim 15 above, and further in view of Chen.

Claims 17 and 21

- Hamlin, Kelley, Guler, and Busche are silent in regards to searching said database according to a pre-selected paradigm. Busche teaches on this aspect

(Paragraph [0006] , lines 1-2, Paragraph [0023] , lines 3-4). Hamlin's invention relates to providing businesses with information relating to the behaviors and opinions of the market place (Col 1, lines 2-4). Chen's invention relates to profiling customer's behavior (Paragraph [0002], lines 1-2). Busche's invention relates to providing businesses with a better understanding of their customers (Paragraph [0007] , lines 1-4). Adding the above mentioned feature to Hamlin's invention would allow Hamlin to focus on specific aspects of the data collected, further reducing the time it takes to analyze the collected data. It is for this reason that one of ordinary skill in the art at the time of invention would be motivated to make the above mentioned modification.

11. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin, Kelley, Guler, Chen, Busche as applied to claim 11 above, and further in view of Borne.

Claim 19

- Hamlin, Kelley, Guler, Borne and Busche are silent in regards to reporting more than one pre-selected category of real time data. Chen teaches on this aspect (Fig 2, Paragraph [0035], lines 1-3). Hamlin's invention relates to providing businesses with information relating to the behaviors and opinions of the market place (Col 1, lines 2-4). Chen's invention relates to profiling customer's behavior (Paragraph [0002], lines 1-2). Adding the above mentioned feature to Hamlin's invention would allow Hamlin to focus on specific aspects of the data collected,

Art Unit: 2142

further reducing the time it takes to analyze the collected data. It is for this reason that one of ordinary skill in the art at the time of invention would be motivated to make the above mentioned modification.

12. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin further in view of Kelly, further in view of Bourne, and further in view of Guler.

Claim 16

- Hamlin teaches of a) generating a digital template (Fig 3) for said server (Fig 2A, item 254), wherein said server further includes a database (Fig 2, item 256) for categorizing, aggregating and classifying said data (Col 6, lines 12-14, Col 5, lines 47- 49); Although Hamlin teaches of generating a template (Fig 3) he fails to teach that more than one template can be generated. It would be obvious to one of ordinary skill in the art to modify Hamlin's invention so that a plurality of digital templates are generated. Hamlin's invention is a business method of allowing clients to conduct surveys and obtain results (Col 2, lines 44-48). Generating a plurality of digital templates would allow a plurality of clients to create surveys thus resulting in increased profits for Hamlin. It is for this reason that one of ordinary skill in the art at the time of invention would be motivated to make the above-mentioned modification.
- b) controlling intercommunication between said digital template....(Col 6, lines 21-22, Col 9 line 28). Although Hamlin did not explicitly teach that

intercommunication was controlled via a computer program between.....this is implicitly implied by teaching that storage unit stores survey results.;

- c) prohibiting unauthorized use of said server (Col 13, lines 28-30, Fig 2, item 254), User is not authorized to take survey, which is located on server.
- d) authorizing use of said server by an authorized user (Col 12, lines 51-55)
- e) interlinking said remote interface (fig 2, item 280) with said server.....(Col 6, lines 39-41, 52-53)
- f) displaying digital template for use (Col 6, lines 39-41, Fig 2B)
- g) propounding a stimulus from said digital template (Fig 3, Col 7, lines 1-5, 20-24)
- i) categorizing and aggregating continuously, in real time (Col 5, lines 47-49, Col 10, lines 25-26)
- j) classifying and sub-classifying continuously, pursuant to an.....(Col 5, lines 47-49, Col 10 lines 20-23)
- l) governing format of said digital template (Fig 3)
- n) Hamlin teaches of reporting real time data to(Col 10, lines 24-29)
- k)Hamlin is silent in regards to time-stamping and date-stamping said authorized response. Kelly teaches in this regard (Paragraph [0050], lines 1-3). Hamlin's invention is related to providing an improved and efficient survey mechanism for businesses (Col 2, lines 44-48). Kelly's invention relates to providing companies with feedback from clients regarding their products and services (Paragraph [0002], lines 1-2). Adding the above mention feature to Hamlin's

invention would allow the businesses to know if the data is relevant with respect to time (i.e. focus on the data that is closest to the period or time that they are trying to obtain info about customer behavior). It is for this reason that one of ordinary skill at the time of invention would be motivated to make the above mentioned modifications.

- i) Hamlin is silent in regards insuring stimulus is not retained at said remote interface. Bourne teaches on this aspect (Col 15, lines 5-9, 1-3). Both Hamlin and Bourne inventions relate to facilitating communication between different entities. Adding the above mentioned feature to Hamlin would be an overall improvement because it would allow the client (Hamlin, Fig 2 Item 280) to use less memory space and also improve client system handling of dynamic content.
- m) Hamlin is silent in regards to the step of generating weighted averages. Guler teaches on this aspect (Paragraph [0129], lines 3-5). Hamlin's invention relates to helping businesses make more informed and accurate decisions (Col 2, lines 44-48). Guler's invention relates to helping businesses make decisions that will maximize the outcome in their favor (Paragraph [0005], lines 1-2, Paragraph [0010], lines 2-4). Adding the above mentioned feature to Hamlin's invention would improve Hamlin's invention because it give an overview or average of specific variables, allowing businesses to asset or weight the importance of specific variables. It is for this reason that one of ordinary skill in the art at the time of invention would be motivated to make the above mentioned modification.

Art Unit: 2142

13. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin, Kelly, Borne, Guler. and further in view of Busche

Claim 18

- Hamlin is silent in regards to searching said database according to a pre-selected paradigm. Busche teaches on this aspect (Paragraph [0006] , lines 1-2, Paragraph [0023] , lines 3-4). Hamlin's invention relates to providing businesses with information relating to the behaviors and opinions of the market place (Col 1, lines 2-4). Busche's invention relates to providing businesses with a better understanding of their customers (Paragraph [0007] , lines 1-4). Adding the above mentioned feature to Hamlin's invention would allow Hamlin to focus on specific aspects of the data collected, further reducing the time it takes to analyze the collected data. It is for this reason that one of ordinary skill in the art at the time of invention would be motivated to make the above mentioned modification.

14. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin further in view of Kelly, further in view of Bourne, and further in view of Guler.

Claim 20

- Claim 20 has all the limitations of claim 16. Claim 20 further teaches that

- e) wireless interlinking said remote interface with said server, wherein said computer program further interrelates said remote interface, said server and said plurality of digital templates. Hamlin did not specify whether the interlink was wireless or wired .(Fig 1, item 280 and 252, Col 6, lines 39-41, 52-53). Allowing the interlinking to include both wired and wireless interlink would be an improvement to Hamlin's invention because it would provide the client with more flexible (i.e. allowing client to communicate with server regardless of wired or wireless interface). It is for this reason that one of ordinary skill in the art would be motivated to make the above modifications.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M. Reid whose telephone number is 571-272-3903. The examiner can normally be reached on Mon- Fri (7-3:30) .

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2142

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmr


JACK B. HARVEY
SUPERVISORY PATENT EXAMINER